

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

OWEN LINFORD,

Plaintiff,  
vs

MENARD, INC.,

Defendant.

Case No.

Hon.

Mag.

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**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES  
DISTRICT COURT EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

TO: ROBERT M. GIROUX (P47966)  
Attorney for Plaintiff

NOW COMES the Defendant, Menard, Inc., by and through its attorneys  
Garan Lucow Miller, P.C., and in support of this Notice of Removal of Cause  
to the United States District Court Eastern District of Michigan, Southern  
Division, states as follows:

1. That on or about April 24, 2019, Plaintiff commenced this cause of action in the Circuit Court for the County of Wayne, State of Michigan, by filing Plaintiff's Summons and Complaint and Jury Demand against the Defendant, Menard, Inc. (See Plaintiff's Complaint- **Exhibit A**).

2. On or about May 8, 2020, by service on the Corporation Service Company, Plaintiff did serve the Plaintiff's Summons, Complaint and Demand for Jury on the Defendant, Menard, Inc. (See **Exhibit B**).

3. That this action is a suit at common law of a civil nature and the amount involved, inclusive of interest and costs, and upon information and belief, as based upon representations of the Plaintiff, Owen Linford, of injuries and damages claimed by the Plaintiff against the Defendant to be in excess of the sum of \$75,000 (**Exhibit A**) and are otherwise within the jurisdiction of this Court pursuant to 28 USC §1332(a).

4. Plaintiff alleges damages as a result of the alleged incident occurring on February 21, 2020, as against the Defendant which is described in Plaintiff's Complaint Paragraphs 19, 20, 22, 23, and 30 (**Exhibit A**), all of which allege damages as follows:

19. Immediately thereafter, he experienced excruciating pain in his leg and hip, but no Menards employees and/or agents or other persons were nearby to assist him, and he was eventually able to extricate himself out from underneath the collapsed pile of insulation bundles.

20. Yelling in pan, he was able to get the attention of two young men who were likewise customers of Defendant Menard, Inc., and they then got a store employee to whom he reported what occurred.

22. An x-ray revealed a bone chip and a subsequent CT-scan revealed an occult fracture at the top of his femur.

23. He saw his primary care physician on Monday, February 24, 2020 and is currently under the care of several healthcare providers for his continuing care.

30. As a direct and proximate result of Defendant Menard, Inc.'s breach of its duty to its business invitee Plaintiff Owen Linford, Mr. Linford sustained significant injuries and damages, including but not limited to: pain and suffering, a bone chip and fracture to the head of his femur, torn tendon, aggravation of his pre-existing back conditions, and other various injuries.

5. Therefore, based upon the foregoing allegations of damages as contained in Plaintiff's Complaint, Plaintiff's injuries against the Defendant are claimed to have a value in excess of the sum of \$75,000, and are otherwise within the jurisdiction of this Court pursuant to 28 USC §1332(a).

6. Defendant, Menard, Inc., shows this Honorable Court that this action involves a controversy between citizens of different states, in that:

(A) Plaintiff, Owen Linford, was, at the time of the commencement of this action, and now is, a citizen of the City of Plymouth, County of Wayne, State of Michigan. (**Exhibit A, paragraph 2**).

(B) Defendant, Menard, Inc., at the time of the commencement of this action, was, and now is

incorporated under the laws of the State of Wisconsin, and by virtue of said incorporation was, and is, a citizen of the State of Wisconsin, and is not a citizen of the State of Michigan by virtue of its state of incorporation.

(C) Defendant, Menard, Inc., had, at the time of the commencement of this action, and now has, its principal place of business in the State of Wisconsin and is not a citizen of the State of Michigan by reason of its principal place of business.

7. That this notice of removal is filed with this Court within 30 days of the filing of this suit on April 24, 2020, and within 30 days of the service of Plaintiff's Summons and Complaint on the Defendant, Menard, Inc., on May 8, 2020 (**Exhibits A and B**). Therefore, this removal is filed within 30 days of the commencement of this action and the service on this Defendant as required by 28 USC §1446(b).

8. That written notice of filing this removal has been given to all adverse parties as required by law and a copy of the Notice of Removal has been filed with the Clerk of the Court for the County of Wayne, State of Michigan by regular mail.

9. Attached is a copy of all process and pleadings which were served upon the Defendant in this cause (**Exhibits A and B**).

WHEREFORE, Defendant, Menard, Inc., herein, respectfully prays that this Honorable Court enter its order for removing this cause from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court, Eastern District of Michigan, Southern Division.

Date: May 18, 2020

s/Mark Shreve  
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(P29149)

#### **CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: All ECF Attorney(s) of Record on this case.

and I hereby certify that I have mailed by United States Postal Service the paper to the following:

ROBERT M. GIROUX  
Giroux Amburn PC  
28588 Northwestern Highway, Suite 100  
Southfield, MI 48034

s/Mark Shreve  
\_\_\_\_\_  
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